

REMARKS

The present request is submitted in response to the Office Action dated May 14, 2010, which set a three-month period for response, making this amendment due by August 14, 2010.

Claims 1-10 are pending in this application.

In the Office Action, claims 1-5 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 59-16702 ("JP '702") in view of U.S. Patent No. 4,205,572 to Welner. Claims 6 and 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP '702 in view of Welner and in further view of U.S. Patent No. 7,255,144 to Smith.

In the present amendment, claims 1, 5, 7 and 9 have been amended to more clearly define the invention over the cited reference combination by clearly specifying the location of the components and their operation. In particular, the amended independent claims clarify the pivotal detachment of the assembly relative to the footplate via the overload coupling.


The Applicants respectfully submit that JP '702 provides no hint or motivation to combine its teachings with Welner by arranging the corresponding units and components in the manner defined by the amended claims. Likewise, the practitioner would not be led by the teachings of Welner to modify the disclosed device to achieve the invention defined in the amended claims.

The clarification that the handle is connected to the swivel arm 36 is supported in the specification at page 4, lines 18-24.

The claims as amended therefore are not obvious over the cited reference combinations. It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modification proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

The application in its amended state is believed to be in condition for allowance. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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